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I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231, on the date below:	
May 28, 2002 Date	 Steven L. Highlander

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Michael Bristow et al.

Serial No.: 09/558,472

Filed: April 25, 2000

For: DIAGNOSIS AND TREATMENT OF
MYOCARDIAL FAILURE

Group Art Unit: 1632

Examiner: T. Ton

Atty. Dkt. No.: MYOG:004USD1/SLH

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

BOX AF

Commissioner for Patents
Washington, D.C. 20231

Commissioner:

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decision of the Primary Examiner mailed November 27, 2001, finally rejecting claim 23.

The fee for filing this Notice of Appeal is \$160 and is attached hereto.

Also, a request for a three-month extension of time to respond is included herewith. The extension fee is included in the attached check with the Notice of Appeal fee. This three-month extension will bring the due date to May 27, 2001. Since May 27, 2002 falls on Monday and

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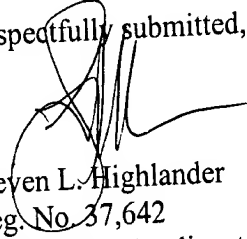
was Memorial Day, the actual due date for the response is May 28, 2002, pursuant to 37 C.F.R. §

1.7.

If the check is inadvertently omitted, or should any additional fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to the enclosed material, or should an overpayment be included herein, the Commissioner is authorized to deduct or credit said fees from or to Fulbright & Jaworski L.L.P. Account No.: 50-1212/10014732/SLH.

Please date stamp and return the enclosed postcard to evidence receipt of this document.

Respectfully submitted,


Steven L. Highlander
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Date: May 28, 2002